

MARCILLA NICOLE CULTRERA,
)
)
 Plaintiff,)
)
 v.) **Case No. CIV-18-117-RAW**
)
THE OKLAHOMA DEPARTMENT OF
CORRECTIONS, et al.,)
)
 Defendants.)

Before the court is the motion of defendant Oklahoma Department of Corrections (“ODOC”) to dismiss the amended complaint pursuant to Rule 12(b)(6) F.R.Cv.P. This lawsuit commenced in the District Court for Okmulgee County. The case was removed to this court by defendants on April 17, 2018. Plaintiff filed an amended complaint (#15) on April 30, 2018. The remaining claim brought against DOC is the first cause of action for retaliation is violation of Title VII.* Title VII permits former employees to bring retaliation actions against their former employers. *Benton v. Town of South Fork & Police Dep’t*, 553 Fed.Appx. 772, 781 (10th Cir.2014).

*ODOC was also named in the second cause of action under 42 U.S.C. §1983, but that claim has been dismissed (#30).

court agrees.

It is the order of the court that the motion to dismiss of defendant ODOC (#20) is hereby denied.

IT IS SO ORDERED this 7th day of SEPTEMBER, 2018.

A handwritten signature in black ink, reading "Ronald A. White", written over a horizontal line.

Ronald A. White
United States District Judge
Eastern District of Oklahoma